



DEPARTMENT OF DEFENSE  
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MEMORANDUM FOR DESIGNATED AGENCY ETHICS OFFICIALS  
DEPUTY DESIGNATED AGENCY ETHICS OFFICIALS

**SUBJECT:** Endorsement vs. Information Memoranda

The Standard of Conduct Office was recently asked to explain the differences between official memoranda that improperly endorse non-Federal entities or events and official memoranda that appropriately provide information about non-Federal entities or events that are of interest to DoD personnel. Although the differences may seem small, they are nonetheless important as we attempt to draw a line between what is allowed and what is not.

The rule on endorsement is set forth in the Joint Ethics Regulation subsection 3-209: "Endorsement of a non-Federal entity, event, product, service or enterprise may be neither stated nor implied by DoD or DoD employees in their official capacities and titles, positions, or organization name may not be used to suggest official endorsement or preferential treatment of any non-Federal entity . . . ." This rule, however, should not be interpreted strictly as to prohibit legitimate dissemination of relevant information to DoD personnel by DoD offices charged to do so.

It is the mission of certain offices and individuals within DoD. In addition to other duties, to distribute information of common interest to DoD employees. Such offices and individuals have the responsibility of determining which non-federal entities or events include programs that are of common interest. In drafting informational memoranda, however, these offices and individuals must be cautioned against wording that tends to imply DoD endorsement or the entity or event,

No matter how worthy an entity or event may be, DoD must maintain neutrality with regard to non-federal entities and events. Any words of praise for an organization may appear to favor that organization to the exclusion or detriment of others. Because DoD could not possibly endorse all worthy organizations, DoD must praise none of them. This practice avoids the appearance of public office being used for private gain. Therefore, all words of praise for any non-Federal entity or event should be avoided in informational memoranda.

For similar reasons, ● discouraging or recommending that DoD personnel attend a non-Federal entity event must be avoided. DoD Component commanders and heads of organizations are charged with the responsibility of determining when it is in the interest of the agency to send DoD personnel in their official capacities to non-Federal events. They must make such determinations free of pressure from higher authority to send



people to any event that inappropriately appears to be favored. Therefore, words such as "endorse," "support," "encourage," "recommend," and "urge," should not be used in informational memoranda.

Sometimes, it is the interest of DoD to sponsor a meeting, workshop, forum, or booth at a non-Federal event. Such DoD sub-events are usually related to recruitment or to explorations of DoD human resources issues as they relate to the main event. It is the responsibility of recruitment, personnel, or quality-of-life offices to determine when it is in the interest of DoD to hold a DoD sub-event at any program sponsored by a non-Federal entity. Such offices should be free to make such determinations without undue encouragement from higher authority, which could amount to a DoD endorsement. These offices must be advised, however, that in the interest of fairness, if DoD sponsors a sub-event at one non-Federal entity, the DoD must be able and willing to sponsor similar sub-events at other comparable events sponsored by other similar non-Federal entities.

Once a determination is made to sponsor a DoD sub-event, it is appropriate to include in any informational memoranda the news that such a DoD sub-event will be taking place. It may also be appropriate to state that any DoD employees who attend the main event in their official capacities (and therefore on Government time and possibly at Government expense) must attend the DoD sub-event. DoD and DoD employees may always endorse official programs and events sponsored by DoD for the benefit of the Department.

To illustrate the nuances described above, I have attached two memoranda as examples. The first memorandum (TAB A) is an example of information of common interest to DoD personnel. The second memorandum (TAB B) is an example of inappropriate endorsement.

I hope this information is helpful to you. You may contact me at (703) 697-5305 if you have questions regarding this matter.



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**Attachments**